

September 27, 2019

The Honorable Elijah E. Cummings  
Chairman, Committee on Oversight and Reform  
United States House of Representatives  
2157 Rayburn House Office Building  
Washington, DC 20515

Re: *Deposition of John Gore*

Dear Chairman Cummings:

I write in response to your letter of September 20, 2019. I reiterate, as I have done in all my correspondence, that my client John Gore seeks to cooperate fully with your Committee on reasonable requests. Indeed, Mr. Gore has testified voluntarily before the Committee on two separate occasions. But Mr. Gore remains unable to flout the Executive Branch's instructions not to testify without agency counsel on the topics you proposed. Accordingly, the Committee's insistence on excluding agency counsel leaves Mr. Gore in the same intractable position as before.

The Justice Department has confirmed to Mr. Gore that Attorney General Barr maintains his prior instruction that Mr. Gore should not appear before the Committee without agency counsel. Mr. Gore will not violate his legal or ethical obligations or disobey the Attorney General's instructions on this important separation-of-powers issue.

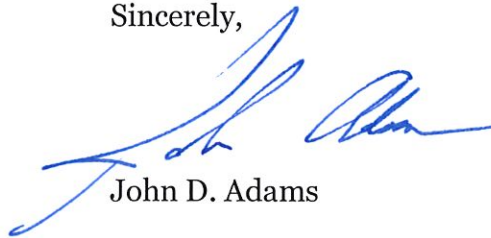
Critically, a key premise of your letter is incorrect. Your letter asserts that Mr. Gore is "no longer a federal employee." Mr. Gore, however, is still an employee of the Department of Justice. As an employee, Mr. Gore remains bound by the Attorney General's instruction not to appear before your Committee without agency counsel.

The same would be true if Mr. Gore were a former employee. Just as members of Congress rightfully expect their former employees to respect their right to protect any legislative privileges and confidences, Mr. Gore would owe nothing less to the Executive Branch as both a former employee and an attorney. Moreover, as I have explained in prior correspondence, the Justice Department has not authorized Mr. Gore to waive any Executive Branch privileges or confidences. Accordingly, I submit that your issue here is not with my client, but rather with the Department of Justice, specifically on the question of whether agency counsel will be present for the deposition.

Additionally, the need for agency counsel's presence has only grown since we last communicated in May because President Trump has asserted executive privilege concerning these matters. As you know, the President asserted executive privilege over documents relating to the citizenship question on June 12, 2019.<sup>1</sup>

Given these complications, Mr. Gore remains unable to be deposed at this time. Please let me know if the Committee has changed its view on the presence of agency counsel.

Sincerely,



John D. Adams

cc: The Honorable Jim Jordan  
Ranking Member

---

<sup>1</sup> See Letter from Charles Kolo Rathburn to Chairman Elijah E. Cummings, Committee on Oversight and Reform (June 12, 2019) available at [http://cdn.cnn.com/cnn/2019/images/06/12/letter.to.chairman.cummings.\[6-12-2019\]\[1\].pdf](http://cdn.cnn.com/cnn/2019/images/06/12/letter.to.chairman.cummings.[6-12-2019][1].pdf)